

Docket No.: 0080-0234PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kensaku FUJII et al.

Application No.: 10/532,424

Confirmation No.: 3734

Filed: April 22, 2005

Art Unit: 1791

For: Tire with rotation period indication hole,
and method of indicating tire rotation period

Examiner: S. D. Maki

**REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
(37 C.F.R. § 41.37)**

MS Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Responsive to the January 26, 2009 NOTICE OF NON-COMPLIANT APPEAL BRIEF, attached hereto are corrected pages 2 and 12-15 for the Appeal Brief filed on December 9, 2008. Pages 2 and 12 of the Appeal Brief have been corrected to properly refer to the corrected names of the appendices. Page 2 has also been corrected to identify the canceled claims in section III as claims 1-11, 13, 14, 19, 21 and 22. Pages 13-15 have been corrected by changing the headings APPENDIX A, APPENDIX B and APPENDIX C to CLAIMS APPENDIX, EVIDENCE APPENDIX and RELATED PROCEEDINGS APPENDIX, respectively, as specified in 37 C.F.R. § 41.37(c)(1). Please substitute the corrected pages for the corresponding pages in the Appeal Brief as filed on December 9, 2008.

The present submission is being timely filed within thirty (30) days of the mailing date of the Notice. Accordingly, no extension of time fees should be due.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 26, 2009

Respectfully submitted,

By


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Attachment: corrected pages 2 and 12-15 for December 9, 2008, Appeal Brief

VIII. Claims

CLAIMS APPENDIX

EVIDENCE APPENDIX

RELATED PROCEEDINGS APPENDIX

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is: Sumitomo Rubber Industries, Ltd.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application: There are 6 claims pending in the application.

B. Current Status of Claims

1. Claims canceled: 1-11, 13, 14, 19, 21 and 22
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 12, 15-18 and 20
4. Claims allowed: none
5. Claims rejected: 12, 15-18 and 20

C. Claims on Appeal: The claims on appeal are claims 12, 15-18 and 20

IV. STATUS OF AMENDMENTS

Appellant filed an Amendment after Final Rejection on September 10, 2008. The Examiner responded to the Amendment after Final Rejection in an Advisory Action mailed September 29, 2008. In the Advisory Action, the Examiner indicated that Appellants' proposed amendments to claims 12 and 16 would not be entered.

Accordingly, the claims enclosed herein in the CLAIMS APPENDIX do not incorporate the amendments to claims 12 and 16 proposed in the paper filed on September 10, 2008. However, the claims in the CLAIMS APPENDIX do reflect the cancellation of claim 21, as proposed in the paper filed by Appellant, along with the Notice of Appeal, on October 9, 2009.

VIII. CLAIMS

A copy of the claims involved in the present appeal is presented in the attached CLAIMS APPENDIX. As indicated above, the claims in the CLAIMS APPENDIX include the amendments filed by Appellant on October 9, 2009, and do not include the amendment(s) filed on September 10, 2008.

Dated: December 9, 2008

Respectfully submitted,

By


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CLAIMS APPENDIX

Claims Involved in the Appeal of Application Serial No. 10/532,424

12. A tire having a rotation timing indication hole comprising a multi-step hole defined in a tire tread, wherein

the multi-step hole includes a first step on a tread surface side and a second step located closer to a bottom side than the first step;

the first step has a contour including one of a polygon formed by straight lines and a loop-shape formed by curved lines;

the second step has a contour including the other of the polygon and the loop-shape, the contour of the second step being different from the contour of the first step and being inscribed on or included in the contour of the first step; and

the first step and the second step have depths separately representative of different degrees of wear of a tread surface until tire rotation timing.

15. The tire having the rotation timing indication hole as set forth in claim 12, wherein the loop-shape forms a rounded shape.

16. The tire having the rotation timing indication hole as set forth in claim 15, wherein the polygon is any one of a triangle, a square, a pentagon, and a hexagon; and the rounded shape is either one of a perfect circle and an ellipse.

17. The tire having the rotation timing indication hole as set forth in claim 12, wherein the first step has the contour including the loop-shape; and the second step has the contour including the polygon.

18. The tire having the rotation timing indication hole as set forth in claim 12, wherein the first step has the contour including the polygon; and the second step has the contour including the loop-shape.

20. The tire having the rotation timing indication hole as set forth in any one of claims 12 and 15 to 18, wherein the rotation timing indication hole comprises twelve holes, in total, arranged in pairs in the widthwise direction of the tire, the resulting six pairs of the holes being arranged at uniform intervals in a circumferential direction of the tire.

EVIDENCE APPENDIX

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Examiner is being submitted.

RELATED PROCEEDINGS APPENDIX

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.